

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 7, 2000

DIVISION ONE

B121714 People
 v.
 Ross

Filed order denying petition for rehearing.

DIVISION TWO

B127459 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Constance W.

The orders of the juvenile court are affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B119491 People (Not for Publication)
 v.
 Ranger Insurance Company

The appeal is dismissed.

Boren, P.J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

DIVISION FOUR

B128324 People (Not for Publication)
v.
Cherry

The trial court's ruling on the prior serious felony allegation is reversed as it pertains to the section 245, subdivision (a)(1) prior and the matter is remanded to the trial court for: (1) retrial of the nature of that prior allegation, and (2) recomputation of the sentence. On remand, the trial court is to strike the section 667, subdivision (a), five-year enhancement erroneously applied to count 1, and recalculate presentence custody credits without reference to section 2933.1. The judgment is affirmed in all other respects.

Curry, J.

We concur: Hastings, Acting P.J.
 Dau, J. (Assigned)

DIVISION FIVE

Court convened at 8:00 A.M.

Present: Turner, P.J., Godoy Perez, J., Weisman, J. (Assigned) and J. Belcher, Deputy Clerk.

Each of the following:

B131832 People v. Izaguirre
B132562 People v. Abbey
B130141 People v. Jones
B131208 People v. Eagle
B131624 People v. Abraf
B129932 People v. Archila
B138221 People v. Hernandez

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B131185 Los Angeles County, D.C.F.S.
 v.
 David M.

Merits:

Argued by David Montgomery appellant in propria persona. No appearance for respondent. Cause submitted.

B119968 Metropolitan Water District of Southern California
 v.
 Imperial Irrigation District et al.

Merits:

Argued by Ellis J. Horvitz and Mitchell C. Tilner for Plaintiffs, Appellants and Cross-defendants, and by David L. Osias, Scott S. Slater, and Robert C. Fellmeth for respondents. Cause submitted.

Court recessed at 9:10 A.M.

Court reconvened at 9:15 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

Each of the following:

B130176 People v. Williams
B128022 People v. Cook
B133356 People v. Hewitt
B132698 People v. Nieves

Argument waived, cause submitted.

B125704 Irene Husak
 v.
 Walter Husak

Merits:

Argued by Kenneth E. Ostrove for appellant and by Tammy Y. Nakada for respondent. Cause submitted.

DIVISION FIVE (Continued)

B130215 Community Redevelopment Agency etc.
 v.
 Edna Stewart et al.

Merits:
Argued by Lawrence Teeter for appellants and by Robert J. Reamer and
Vernon L. Putnam for respondents. Cause submitted.

B124988 David Banks
 v.
 Acme Laundry Products, Inc. et al.

Merits:
Argued by Ronald T. Golan for appellant and by Tawnya Wojeiechowski
for respondents. Cause submitted.

B130255 Jess E. Mendoza et al
 v.
 Southern California Title Co. et al.

Merits:
Argued by Mitchell J. Ezer for appellant. No appearance for respondents.
Cause submitted.

B128554 Terri Schiavo
 v.
 Gold Strike Hotel & Gambling Hall et al.

Merits:
Argued by Julian A. Simonis for appellant and by David S. Porter for
respondents. Cause submitted.

Court recessed at 10:50 A.M.

DIVISION FIVE (Continued)

Court reconvened at 11:05 A.M.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J. and J. Belcher, Deputy Clerk.

Each of the following:

B128113 People v. Hemsley
B134643 People v. Eduardo D.
B135057 People v. Alan L.
B134860 People v. Hill
B132840 People v. Shuler
B132360 People v. Flowers
B134151 D.C.F.S. v. Cesar P.
B137300 Tina C. v. D.C.F.S.

Argument waived, cause submitted.

B133779 D.C.F.S.
 v.
 Richard C.

Merits:
Argued by Harry Zimmerman for appellant and by Pamela Soncini for
respondent. Cause submitted.

B134783 People
 v.
 Darryl Durden

Merits:
Argued by Paul F. Demeester for appellant and by Analee Nations, deputy
attorney general, for respondent. Cause submitted.

Court recessed at 11:40 A.M.

DIVISION FIVE (Continued)

Court reconvened at 1:00 P.M.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J. and J. Belcher, Deputy Clerk.

B122726 Tullio v Tullio

Argument waived, cause submitted.

B126968 Judy Chaney
 v.
 Scott Grace et al.

Merits:

Argued by Byron M. Purcell for appellants. Respondent waived oral argument. Cause submitted.

B122293 Chester Carter
 v.
 County of Los Angeles

Merits:

Argued by Ronald Talmo for appellant and by Peter M. Glick for respondents. Cause submitted.

B125295 Oliver Duggal et al.
 v.
 Future Telecom, Inc., et al.

Merits:

Argued by Raymond C. Dion for appellants and by Jeffrey K. Riffer and David M. Roberts for respondents. Cause submitted.

DIVISION FIVE (Continued)

B127999 Marjorie Pang
v.
Beverly Hospital, Inc., et al.

Merits:
Argued by Dale L. Gronemeier for appellant and by Christine T. Hoeffner for respondents. Cause submitted.

B126456 Ilse Reed
v.
Secure Horizons et al.

Merits:
Argued by David T. Bamberger for appellant and by Keith A. Weaver and John J. Weber for respondents. Cause submitted.

DIVISION SIX

B136133 People (Not for Publication)
v.
Jose A.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B132125 People (Not for Publication)
v.
Dressler

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

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DIVISION SIX (Continued)

B135307 People v. Serrano (Not for Publication)

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SEVEN

B127717 People (Not for Publication)
v.
Blue

The judgment is modified to reflect conviction under Penal Code section 4530 subdivision (c), not (b), and as so modified, is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

B130595 People (Not for Publication)
v.
Toscano

The judgment is modified to stay the ten years of gun use enhancements imposed under Penal Code sections 12022.53, subd. (b), and 12022.5, subd. (a)(1), and affirmed as modified.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

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DIVISION SEVEN (Continued)

[illegible]

The judgment is modified to strike the \$1,000 restitution fine imposed pursuant to Penal Code section 1202.4. As modified, the judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

B130256 People
v.
Ryan

(Not for Publication)

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B124386 Cerritos Valley Bank (Not for Publication)
v.
Glendale Federal Bank

The order awarding attorney's fees is reversed. Appellant to recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

DIVISION SEVEN (Continued)

B131594 Miner (Not for Publication)
v.
City of Los Angeles

The judgment is reversed and remanded to the trial court with instructions to vacate its order granting City's motion for summary judgment and to enter a new and different order denying City's motion for summary judgment. Appellant is entitled to costs on appeal.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B134544 People (Not for Publication)
v.
Richardson

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.